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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,229	10/31/2000	Todd S. Bowser	MATP-596US	1290

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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,229

Applicant(s)

BOWSER, TODD S.

Examiner

Victor R. Kostak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are now rejected under 35 U.S.C. 102(e) as being anticipated by Silva, Jr. et al.

The system of Silva (noting particularly Figs. 1 and 2) includes a receiver 20 capable of receiving digital A/V signals [paragraph 0020] and any of a multitude various auxiliary data [¶s 0042 and 0043], wherein signals are received at terminal 210 from any of various sources. The auxiliary data is transmitted with the A/V signal [¶s 0054 – 0056], received at by front-end tuner 201, and the video, audio and auxiliary data are separated for separate processing (noting elements 225, 226 and 227). An internal controller 240 enables the data processing as prompted by user interfaces 280 and 281. Silva also includes various shared devices external to receiver 20 and accessed through respective terminals 271 – 276, which devices can receive the auxiliary data separated from the A/V signal and present the reproduced data thereon [¶ 0032], thereby meeting claim 1.

As for claim 5, the shared device inherently operates according to a compatible protocol or else the inclusion of the shared device would be useless. Silva does mention standard USB and IEEE 1284 parallel port, and RS-232 interfacing [¶s 0031 and 0032]

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which explicitly accounts for operable connectivity. An eventual display device 10 is also shown for accommodating the A/V signal.

Regarding claim 9, the front-end interface is the tuner 201 which can be remotely controlled by either of devices 281 or 280 so prompted by initialization signals inherent to the control devices. Respective video and audio processing is included as mentioned previously, wherein processor 240 carries out the A/V processing so controlled by signals provided by the control devices, and which processor 240 further provides other various control signals for carrying out other operations [¶0027]. An audio output is provided to speaker 230, and video output is provided to display unit 10 by way of bus interface 229. The auxiliary data signals are sent to the shared device through any of terminals 271-276 so governed by processor 240 as initiated by the user interface device 280 or 281 and in compliance with the necessary protocol.

As for claims 2, 6 and 10, the receiver can be a set-top box [e.g. ¶0019], and the audio, video and auxiliary data are separated, decoded, and presented on respective reproduction devices, as noted above.

As for claims 3 and 7, a tape recorder could be an auxiliary device [e.g. ¶0034] which would be digital in those instances when accommodating digital signals, which Silva points out could be received [¶0019].

As for claim 11, the shared device inherently operates according to a compatible protocol or else the inclusion of the shared device would be useless, as explained above. Silva does mention standard USB and IEEE 1284 parallel port, and RS-232 interfacing [¶s 0031 and 0032] which explicitly accounts for operable connectivity.

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Considering claims 4, 8 and 13, the shared device can be a printer or PDA [¶0032].

3. Claims 12 and 14-16 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Silva, Jr. et al.

As for claim 12, it would have been obvious to one of ordinary skill in the art to provide well known buffering in any of the data transfer stages where considered particularly beneficial, for the clear purpose of assuring consistent data flow and transfer. Silva suggests such as he points out that RAM or other storage can be used to control data flow [¶0028].

As for claim 14, Silva provides data in page form [e.g. ¶ 0041] it would have been clearly obvious to first identify the type of device desired to be activated for associated with receiver 20, and then accordingly have the auxiliary data formatted for presentation on that device. Such is implicitly suggested by the explicit allowance for diverse devices to be accessed (e.g. printer, tape player, PDA), as controlled by user interface devices 280 and 281. Absent any explicit language, it would have nonetheless have been obvious to one of ordinary skill in the art to prepare the selected shared device for presenting auxiliary data thereon in accordance with the parameters of that device, for the clear benefit of assuring that the data is presented an a readily viewable manner.

Regarding claim 15, it would further have been obvious to make sure any subsequently received auxiliary data is properly formatted for presentation as so determined by the operator.

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As for claim 16, Silva discloses all three of these devices as pointed out earlier (printer, tape recorder and PDA), and one of ordinary skill in the art would have realized that they would all have to be properly prepared or formatted for presenting selected auxiliary data in adequately readable manner.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is again reminded that patents to Dinwiddie and Miller (of record) can also be applied in a rejection to some of the amended claims. In addition, newly cited Yee, Yuen, and Dedrick likewise also could be applied (but have not in order to avoid being repetitive and exhaustive).

5. This action has not been made final because of the rejection of claims 14-16 was *not* necessitated by amendment.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on 703 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703 308-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

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Any response to this action should be mailed to:

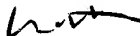
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 308-HELP.


Victor R. Kostak
Primary Examiner
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VRK